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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,331

10/09/2003

Alexander B. Meshkin

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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

4137

NOTIFICATION DATE

DELIVERY MODE

02/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,331	<b>Applicant(s)</b> MESHKIN, ALEXANDER B.	
	<b>Examiner</b> BRANDI PARKER	<b>Art Unit</b> 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/09/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This Office Action is in response to the Application filed on October 9, 2003.
2. Claims 1-20 are pending in the Application.
3. This Office Action is given Paper No. 20080129 for reference purposes only.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant discloses a “traditional” media advertising platform that is not clearly defined in the claim or specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Angles et al (US 5933811).

5. Regarding claims 1 and 17, Angles teaches a communications network, one or more nodes having associated processors, said nodes being interconnected via said

communications network; and a second node processor, comprising: (A) targeting said user using a first targeted vehicle platform; and (B) targeting said user using a second targeted vehicle platform (see figure 1; column 2, lines 54-56) .

6. With respect to claim 2, Angles teaches wherein said enabled brand entities comprise any one of: (i) an advertiser; (ii) an ad agency; (iii) a corporate sponsor; (iv) a broadcaster; (v) a promoter; and (v) one or more sub-entities of said foregoing categories (i) through (iv) (see column 2, lines 56-58).

7. As to claims 3 and 18, Angles teaches wherein said first targeted vehicle platform is a traditional media advertising platform, and said second targeted vehicle platform is a technology based informational content exchange platform (see column 12, lines 27-35 and column 13, lines 21-34).

8. Regarding claim 4, Angles teaches wherein said first targeted vehicle platform comprises informational content exchange on said first platform, and said second targeted vehicle comprises informational content exchange on said second platform (see column 12, lines 13-24 and column 13, lines 21-34).

9. With respect to claims 5 and 20, Angles teaches wherein any one of said first information content and said second informational content relates to any one of: (i) a creative; and (ii) a plurality of creatives comprising a campaign (see column 3, lines 6-15).

10. As to claims 6 and 19, Angles teaches wherein said first platform is a push platform, and said second platform is a pull platform (see column 20, lines 27-37; and column 19, line 52 through column 20, line 10).

11. Regarding claim 7, Angles teaches wherein any one of: said first platform, and said second platform, comprises any one of: (iii) a broadcast media platform comprising radio, television, cable television, Internet, and satellite cable television (see figure 1).

12. With respect to claim 8, Angles teaches wherein any one of: said targeting using said first targeted vehicle platform, and said targeting using said second targeted vehicle platform, comprises any one of: (iii) an e-mail (A) received by said user on a post office protocol (POP) over said communications network, wherein said communications network is a transmission control protocol/internet protocol (TCP/IP) network; and (B) received by said user on a simple mail transfer protocol (SMTP) over said communications network, wherein said communications network is a transmission control protocol/internet protocol (TCP/IP) network (see column 9, lines 20-34).

13. As to claims 9 and 14, Angles teaches wherein any one of: said informational content exchange on said first platform, and said informational content exchange on said second platform, comprises exchange of any one of: (i) demographics informational content related to said user using said second node processor; (ii) psychographics informational content related to said user using said second node processor; (iii) informational content related to previous responses of said user using said second node processor; and (iii) informational content specific to a brand entity related to said user using said second node processor (see column 3, lines 7-15 and lines 56-61).

14. Regarding claim 10, 12, 13 and 15, Angles teaches wherein said user is enabled to participate during said informational content exchange on said second platform

because of an informational content received during said informational content exchange on said first platform, receiving a responsive informational content responsive to any one of: said targeting using said first targeted vehicle platform, and said targeting using said second targeted vehicle platform, at said at said first node processor; and processing said responsive informational content at said first node processor in response to one or more parameters and receiving a result of said processing at said first node processor; and displaying said result (see abstract and column 2, lines 45-58).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al as applied to claim 4 above, and further in view of Chelliah et al (US 5710887).

15. With respect to claim 11, Angles teaches an integrated marketing vehicle platform system according to claim 4 with interactive participation. Angles does not teach wherein said participation is based on any one of: redemption of discount vehicles comprising online accessible coupons, point-of-sale accessible coupons and wireless device accessible coupons; and redemption of auction vehicles comprising online accessible dollar bid based rewards, wireless device accessible dollar bid based rewards, online accessible points based bidding rewards and wireless device.

However, Chelliah teaches redemption of discount vehicles comprising any one of online accessible coupons, point-of-sale accessible coupons and wireless device accessible coupons (see column 23, lines 5-12). It would have been obvious to one having ordinary skill in the art to modify the disclosure of Angles with Chelliah because both references involve electronic commerce and interaction with potential consumers over the internet.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kesel (US 5822744), Merriman et al (US 5948061), Hoyle (US 6141010), Gardenswartz et al (US 6298330), Moran (US 2001/0032133).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI PARKER whose telephone number is (571)272-9796. The examiner can normally be reached on Mon-Thur. 8-4pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4137

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI PARKER/  
Examiner, Art Unit 4137

/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 4137